



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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James Golden
Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
COMMONWEALTH GALVANIZING COMPANY, LLC
FOR
COMMONWEALTH GALVANIZING
EPA ID No. VAR000527705**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and Commonwealth Galvanizing Company, LLC, regarding the Commonwealth Galvanizing Facility located in Ashland Virginia, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Commonwealth Galvanizing" means Commonwealth Galvanizing Company, LLC, an LLC authorized to do business in Virginia. Commonwealth Galvanizing is a "person" within the meaning of Va. Code § 10.1-1400.
6. "Facility" means Commonwealth Galvanizing, a hot dip galvanizing facility, located at 10988 Leadbetter Road, in Ashland, Virginia.
7. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
8. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
9. "LQG" means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(1).
10. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
12. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
13. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effected date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
14. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
15. "SQG" means a small quantity generator, a hazardous waste generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(d) - (f).
16. "Va. Code" means the Code of Virginia (1950), as amended.

17. "VAC" means the Virginia Administrative Code.
18. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

SECTION C: Findings of Fact and Conclusions of Law

1. Commonwealth Galvanizing owns the Facility in Ashland, Virginia. Commonwealth Galvanizing specializes in the hot zinc dip galvanizing of specialty products. The Facility consists of one contiguous building, which includes the offices and galvanizing area.
2. Commonwealth Galvanizing is identified in the RCRA Information System database as a Large Quantity Generator (LQG) of hazardous waste, or generating between 1000 kilograms (2200 pounds) or greater of hazardous waste per calendar month. Commonwealth Galvanizing was issued EPA ID No. VAR000527705 for the Facility.
3. At the Facility, Commonwealth Galvanizing generates various hazardous and non-hazardous wastes. The following lists the solid wastes and hazardous wastes, that are generated and accumulated at the Facility, followed by the corresponding waste code:

Hazardous Wastes

Waste hydrochloric acid solution (pickling solution) - D002, D004, D006, D007, D008
Waste corrosive liquid, basic, inorganic (sodium hydroxide) – D002
Zinc flux tank solids – not yet generated; to be determined
Spent aerosol cans (paint stripper applied prior to caustic bath) – episodically generated; TBD; D001, D003

Non-Hazardous Wastes/Non-RCRA Wastes

General Facility Trash
Zinc by-products (dust reused in process; skim and dross sold for reprocessing)

Universal Wastes

Spent fluorescent lamps

Exempt Wastes

Used oil from forklifts – retained by maintenance vendor for recycling
Scrap metal for recycling – Smith Iron and Metal

4. On October 22, 2019, DEQ staff conducted an announced hazardous waste Compliance Evaluation Inspection (CEI) at the Facility. The inspection was conducted to evaluate compliance with the applicable VHWMR. As a result of the inspection, it was determined that Commonwealth Galvanizing is operating as a LQG and as a small quantity handler of universal waste. Commonwealth Galvanizing's General Manager represented the company during the inspection. The following paragraphs describe the observations of this inspection:

- a. The written assessment for the 90-day hazardous waste tank did not include the required certification statement.
- b. The 90-day hazardous waste tank system and secondary containment did not have leak detection equipment. The daily inspection logs did not reflect that the 90-day hazardous waste tank system and secondary containment were being inspected on weekends or holidays that the Facility was not in operation.
- c. The Facility's training plan stated that designated personnel must complete hazardous waste management training within 6 months of hire and annual training thereafter. The Facility's training documents did not reflect that the three designated Facility personnel with hazardous waste management duties have completed RCRA hazardous waste management training. Training records indicate that last known RCRA hazardous waste management training was conducted on January 10, 2014 and included personnel no longer employed at the Facility.
- d. The three current personnel who were designated as having hazardous waste responsibilities have not received RCRA hazardous waste training or any other emergency response training, as outlined the Facility's written training plan. The designated employees have not been trained within 6 months of being hired and are working unsupervised prior to receiving the training.
- e. The training documentation does not reflect that personnel with hazardous waste management responsibilities had obtained an annual refresher course of RCRA hazardous waste management or Facility emergency response training.
- f. Commonwealth Galvanizing presented hazardous waste manifest copies from calendar year 2018 and 2019. Commonwealth Galvanizing did not have hazardous waste manifests prior to calendar year 2018. The hazardous waste manifests copies presented were for the acidic pickling waste solution. Commonwealth Galvanizing's Biennial Report submitted on February 23, 2018 indicated caustic waste disposal in 2017. Commonwealth Galvanizing did not present copies of the hazardous waste manifests from this waste stream. On October 23, 2019, Commonwealth Galvanizing submitted to the DEQ a copy of the hazardous waste manifests from the caustic water disposal in 2017. Commonwealth Galvanizing did not present any additional hazardous waste manifests for the acidic pickling solution in calendar year 2017 or 2016 or any additional caustic disposal that may have occurred. Staff at the Facility were unsure if any of their caustic disposal had been conducted. Commonwealth Galvanizing did not retain copies of hazardous waste manifests for the past three years.
- g. Commonwealth Galvanizing did not maintain a copy of the Land Disposal Restriction (LDR) notifications for at least three years. During the DEQ inspection on October 22, 2019, Commonwealth Galvanizing obtained copies of the hazardous waste acidic pickling solution that has consistently been disposed of at Vickery Environmental, Inc. (EPA ID OHD020273819) located in Vickery, Ohio. Commonwealth

Galvanizing did not present DEQ staff with LDR notifications for the caustic waste material transported for disposal to Envirite of Pennsylvania, Inc. (EPA ID PAD010154045) on September 11, 12, and 13, 2017 (hazardous waste manifest #'s 000256589MWI dated September 11, 2017, 011101056FLE dated September 12, 2017, and 011101085FLE dated September 13, 2017).

- h. Commonwealth Galvanizing's contingency plan did not describe procedures to monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment if the facility stops operation in response to a fire, explosion, or release.
- i. Commonwealth Galvanizing did not maintain a copy of the 2017 Biennial Report that was submitted to DEQ on February 23, 2018.
- j. Commonwealth Galvanizing's contingency plan did not include a brief outline of the capabilities of each emergency equipment item listed in the contingency plan.
- k. Commonwealth Galvanizing's contingency plan was revised in June of 2019 and did not include a Quick Reference Guide of the contingency plan.
- l. The one 55-gallon satellite accumulation area container located next to the caustic bath process was not labeled with the words "Hazardous Waste".
- m. The one 55-gallon satellite accumulation area container located next to the caustic bath process was not labeled with an indication of the hazards associated with the waste material observed in the container.
- n. The one 55-gallon satellite accumulation area container located next to the caustic bath process was open and not actively in use.
- o. The 90-day hazardous waste tank was not labeled with the words "Hazardous Waste".
- p. The 90-day hazardous waste tank was not labeled with an indication of the hazards.
- q. Commonwealth Galvanizing failed to notify DEQ as to the exact location of the central accumulation area (90-day hazardous waste storage tank). DEQ staff did not observe any additional container 90-day central accumulation area and a container central accumulation area was not observed in the previous DEQ inspection of the Facility on April 25, 2015.
- r. One four-foot box of spent fluorescent lamps located in the office area of the Facility was open.
- s. One four-foot box of universal waste lamp containers in accumulation in the office area of the Facility with a label indicating the start accumulation date of December

7, 2016 written on the label. Commonwealth Galvanizing has been accumulating universal waste for greater than one year.

- t. Commonwealth Galvanizing did not demonstrate the need to accumulate the universal waste for more than one year.
 - u. Commonwealth Galvanizing personnel involved with handling of universal waste were not trained in proper handling or emergency procedures of the universal waste lamps.
5. 40 CFR §270.11(d), as referenced in 9 VAC 20-60-270, provides that any person signing listed documentation must provide a Certification Statement.
 6. 40 CFR §265.195(b), as referenced in 9 VAC 20-60-265, states an owner or operator must inspect at least once each operating day.
 7. 40 CFR §262.17(a)(7)(i)(A), as referenced in 9 VAC 20-60-262, states that Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.”
 8. 40 CFR § 262.17(a)(7)(iv)(D), as referenced in 9 VAC-20-60-262, states that large quantity generators must maintain records that document that the required training or job experience has been given to, and completed by facility personnel.
 9. 40 CFR §262.17(a)(7)(ii), as referenced in 9 VAC 20-60-262, states, “Facility personnel must successfully complete the program required in paragraph (a)(7)(i) of this section within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training standards of paragraph (a)(7)(i) of this section.”
 10. 40 CFR §262.17(a)(7)(iii), as referenced in 9 VAC 20-60-262, states, “Facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.”
 11. 40 CFR §262.40(a), as referenced in 9 VAC 20-60-262, states that a generator must keep a copy of each manifest signed for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
 12. 40 CFR §268.7(a)(8), as referenced in 9 VAC 20-60-268, states in part, “Generators must retain on-site a copy of all notices, certifications, waste analysis data, and other

documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.”

13. 40 CFR §262.40(b), as referenced in 9 VAC 20-60-262 states, “A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.”
14. 40 CFR §262.261(a), as referenced in 9 VAC 20-60-262, The contingency plan must describe the actions facility personnel must take to comply with §§262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
15. 40 CFR §262.265(f), as referenced in 9 VAC 20-60-265, states, “If the generator stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.”
16. 40 CFR §262.261(e), as referenced in 9 VAC 20-60-262, states, “The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.”
17. 40 CFR §262.262(b), as referenced in 9 VAC-20-60-262, states, “A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements...”
18. 40 CFR §262.15(a)(5)(i), as referenced by 9 VAC 20-60-262, states that a generator must mark its containers with the words "hazardous waste".
19. 40 CFR §262.15(a)(5)(ii), as referenced by 9 VAC 20-60-265, states that a generator must have an indication of the hazards of the contents (i. e. ignitable, corrosive, reactive, toxic).
20. 40 CFR §262.15(a)(4), as referenced by 9 VAC 20-60-262, states a container holding hazardous waste must be closed at all times during accumulation.
21. 40 CFR §262.17(a)(5)(ii)(A), as referenced by 9 VAC 20-60-262, states a large quantity generator accumulating hazardous waste in tanks must mark its tanks with the words ‘Hazardous Waste’.

22. 40 CFR §262.17(a)(5)(ii)(B), as referenced by 9VAC 20-60-262, states, a large quantity generator accumulating hazardous waste in tanks must have an indication of the hazards of the contents.
23. 9 VAC 20-60-262 B.4 states, “For accumulation areas established after March 1, 1988, a large quantity generator shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.17 prior to or immediately upon the establishment of each 90-day accumulation area. In the case of a new large quantity generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous Waste Activity EPA Form 8700-12 that he intends to accumulate hazardous waste in accordance with 40 CFR 262.18. This notification shall specify the exact location of the 90-day accumulation area at the site.”
24. 40 CFR §273.15(a), as referenced by 9 VAC 20-60-273, states that a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated.
25. 40 CFR §273.15(b), as referenced by 9 VAC 20-60-273, states, “A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.”
26. 40 CFR §273.16, as referenced by 9 VAC 20-60-273, states, “A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.”
27. On December 2, 2019, DEQ issued a Notice of Violation No. 2019-12-PRO-601 to Commonwealth Galvanizing, citing them for violations observed during the October 22, 2019 inspection.
28. On December 9, 2019, on behalf of Commonwealth Galvanizing, the ARM Group Inc. (ARM) sent a letter to DEQ indicating that Commonwealth Galvanizing had started to implement actions to address the observations made by DEQ. Commonwealth Galvanizing and ARM stated they believed that the observations could be addressed in a written response and an in-person meeting with DEQ is not necessary.

29. On December 31, 2019, on behalf of Commonwealth Galvanizing, ARM submitted a written response outlining the corrective actions Commonwealth Galvanizing has taken and will take in the future to address the observations made by DEQ.
30. On July 27, 2021, DEQ staff and the ARM group participated in a conference call to discuss the December 31, 2019 information submitted by Commonwealth Galvanizing. DEQ requested clarification regarding the Quick Reference Guide map and alarm system identification. DEQ noted the daily inspection logs did not include daily inspections on November 28 and 29, 2019 and the inspection logs indicate that containment is not free of liquids. DEQ requested additional information regarding staining seen in a photo submitted by the Commonwealth Galvanizing. DEQ requested additional information regarding the schedule for RCRA training and to confirm if Commonwealth Galvanizing had installed an upgrade to the waste tank and ancillary equipment including leak detection.
31. On August 31, 2021, Commonwealth Galvanizing provided a written response to DEQ's request for clarification and additional information.
32. Based on the results of the October 22, 2019 inspection, the Board concludes that Commonwealth Galvanizing has violated 40 CFR §265.192(a); 40 CFR §270.11(d); 40 CFR §265.195(b); 40 CFR §262.17(a)(7)(i)(A); 40 CFR § 262.17(a)(7)(iv)(D); 40 CFR §262.17(a)(7)(ii); 40 CFR §262.17(a)(7)(iii); 40 CFR §262.40(a); 40 CFR §268.7(a)(8); 40 CFR §262.40(b); 40 CFR §262.261(a); 40 CFR §262.265(f); 40 CFR §262.261(e); 40 CFR §262.262(b); 40 CFR §262.15(a)(5)(i); 40 CFR §262.15(a)(5)(ii); 40 CFR §262.15(a)(4); 40 CFR §262.17(a)(5)(ii)(A); 40 CFR §262.17(a)(5)(ii)(B); 9VAC20-60-262 B.4; 40 CFR §273.15(a); 40 CFR §273.15(b); 40 CFR §273.16, as described in paragraphs C(4) through C(27), as described above.
33. Commonwealth Galvanizing has implemented corrective action and submitted documentation that the 2019 RCRA training was completed. In order for Commonwealth Galvanizing to complete its return to compliance, DEQ staff and representatives of Commonwealth Galvanizing have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Commonwealth Galvanizing, and Commonwealth Galvanizing agrees to pay a civil charge of \$30,713 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality

Post Office Box 1104
Richmond, Virginia 23218

Commonwealth Galvanizing shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Commonwealth Galvanizing shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Commonwealth Galvanizing for good cause shown by Commonwealth Galvanizing, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Commonwealth Galvanizing admits the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. Commonwealth Galvanizing consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Commonwealth Galvanizing declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein, except that Commonwealth Galvanizing reserves its right to a hearing or other administrative proceeding authorized or required by law or to judicial review of any issue of fact or law contained in any subsequent amendments of this Order issued by the Board without the consent of Commonwealth Galvanizing. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Commonwealth Galvanizing to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of

appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement of other actions by any other federal, state, or local regulatory authority. Commonwealth Galvanizing does not waive any rights, defenses or objections it may have in any enforcement action by other federal, state, third parties, or local authorities arising out of the same or similar facts to those recited in this Order.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Commonwealth Galvanizing shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Commonwealth Galvanizing shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Commonwealth Galvanizing shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the Commonwealth Galvanizing intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

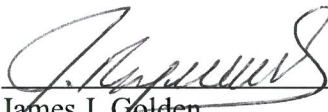
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Commonwealth Galvanizing.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Commonwealth Galvanizing has completed all of the requirements of the Order;

- b. Commonwealth Galvanizing petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Commonwealth Galvanizing.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Commonwealth Galvanizing from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. The undersigned representative of Commonwealth Galvanizing certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Commonwealth Galvanizing to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Commonwealth Galvanizing.
- 13. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 14. By its signature below, Commonwealth Galvanizing voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 4 day of May, 2022.


James J. Golden For / Authority delegated
01 24 March 2022
Department of Environmental Quality
Director, Piedmont Regional Office

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Commonwealth Galvanizing, voluntarily agrees to the issuance of this Order.

Date: 3/18/22 By: Neal Mercer, President
(Person) (Title)
Commonwealth Galvanizing,

State of Oklahoma

City/County of Tulsa

The foregoing document was signed and acknowledged before me this 18 day of
March, 2022, by Neal Mercer who is
_____ of Commonwealth Galvanizing, Inc. on behalf of the
corporation.

Monica D. Cypert
Notary Public

02003555
Registration No.

My commission expires: 2/27/26

Notary seal:



APPENDIX A

SCHEDULE OF COMPLIANCE

1. For a period of six (6) months from the effective date of this Consent Order, Commonwealth Galvanizing shall submit daily inspection records to DEQ monthly demonstrating daily inspections have occurred in accordance with 40 CFR §265.195(b), which are due on the 10th of each month, beginning March 2022, with the first report due by April 10, 2022.
2. Not later than 30 days after the effective date of this Order, Commonwealth Galvanizing shall submit proof of RCRA training for hazardous waste personnel in accordance with the requirements of 40 CFR §262.17(a)(7)(i)(A).
3. Not later than 30 days after the effective date of this Order, Commonwealth Galvanizing shall submit a copy of the Quick Reference Guide in accordance with the requirements of 40 CFR §262.262(b).
4. Not later than 30 days after the effective date of this Order, Commonwealth Galvanizing shall submit documentation demonstrating the hazardous waste characterization of the solution in the zinc flux tank and provide documentation of disposal.
5. Unless otherwise specified in this Order, Commonwealth Galvanizing shall submit all requirements of this Order to:

Frank Lupini
Enforcement Specialist Senior
Virginia Department of Environmental Quality
4949-A Cox Road, Glen Allen, VA
Phone: (804) 527-5093
Email: Frank.Lupini@deq.virginia.gov